

5169. Adulteration and misbranding of vinegar. U. S. * * * v. 5 Barrels of Vinegar. Tried to the court and a jury. Finding for the Government. Decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 7517. I. S. No. 4484-1. S. No. E-644.)

On June 9, 1916, the United States attorney for the western district of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 barrels of vinegar, consigned by Dawson Brothers Manufacturing Co., Atlanta, Ga., remaining unsold in the original unbroken packages at Newberry, S. C., alleging that the article had been shipped and transported from the State of Georgia into the State of South Carolina, the shipment having been received on May 1, 1916, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "*** * * Southern Beauty Brand Pure Apple Cider Vinegar Diluted to 4 PC Acid Strength * * ***"

Adulteration of the article was alleged in the libel for the reason that substances other than pure apple cider vinegar, to wit, dilute distilled vinegar and dilute acetic acid product, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for a like amount of pure apple cider vinegar.

It was charged in substance that the article was misbranded for the reason that the statement appearing on the label, to wit, "Pure Apple Cider Vinegar," was false and misleading in that it purported that the article was pure apple cider vinegar; and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchasers into the belief that it was pure apple cider vinegar, whereas it was not, but was, in fact, apple cider vinegar to which has been added dilute distilled vinegar and a dilute acetic acid product; and for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, pure apple cider vinegar.

On November 9, 1916, the case came on for final disposition, and the Government submitted its evidence to the court and a jury. Upon this evidence the jury after being charged by the court made a finding for the Government, and thereafter on November 24, 1916, a formal decree of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to the said Dawson Brothers Manufacturing Co., claimant, upon the payment of the costs of the proceedings and the execution of a bond, in conformity with section 10 of the act.

CARL VROOMAN, *Acting Secretary of Agriculture.*